

Appl. No. 09/876,411  
Amdt. Dated October 21, 2008  
Reply to Office Action of August 7, 2008

### REMARKS

Applicants respectfully request reconsideration of the prior art rejections set forth by the Examiner under 35 USC sections 102 and 103. Applicants respectfully submit that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicants' presently claimed invention.

More specifically, Applicants note that the present invention is directed to a structure which is incorporated into the housing of a communication device such as a cellular telephone for substantially reducing the amount of electromagnetic radiation emitted from a conductive housing that contains the RF signal processing circuitry of the communication device which is emitted in the direction of the device user. Applicants respectfully submit that the prior art references of record cited by the Examiner fail to provide any teaching or suggestion whatsoever regarding this advance in the art. more specifically, the primary Thiel reference cited and relied upon by the Examiner is merely directed to a telecommunication apparatus wherein an antenna structure incorporates a shield to prevent electromagnetic radiation emitted by the antenna structure from impinging upon the user, for example. Significantly, however, neither the Thiel reference nor any of the remaining references of record provide any teaching or suggestion whatsoever regarding a shielding structure that is permanently affixed within the housing of the telecommunications device or cellular-phone.

In order to further highlight these distinctions Applicants have modified independent claims 1 and 3 to further require that an outer housing separate from said conductive case, surrounds and confines said conductive case, said electro-magnetic wave absorber, said microphone, said circuit, and said conductive member; and

Appl. No. 09/876,411  
Amdt. Dated October 21, 2008  
Reply to Office Action of August 7, 2008

wherein said electro-magnetic wave absorber is permanently secured to a fixed position at a side of the conductive shield case.

Applicants respectfully submit that the prior art references cited by the Examiner provided no teaching or suggestion whatsoever regarding this unique and advantageous structure. Applicants respectfully submit that the specific location of the electromagnetic wave absorber as specified in the instant application and now in each of the independent claims provides the most desirable location for reducing undesired electromagnetic radiation impinging upon the user of a portable telephone or communication apparatus. Furthermore, in contrast with the prior art cited by the Examiner, the wave absorber structure does not interfere with the antenna transmission pattern.

The location of the structure provides significant advantages over the arrangements of the prior art. Indeed the prior art does not provide the shielding capability for a user of the device such as the device now specified in the independent claims wherein the electromagnetic wave absorber is physically located between within a housing and permanently affixed to the conductive case containing the electronic processing devices. None of the references of record provide any indication whatsoever that the wave absorber should be physically located between the speaker and conductive case as now specified. Accordingly, in light of the foregoing, Applicants submit that all claims now stand in condition for allowance.

Appl. No. 09/876,411  
Amdt. Dated October 21, 2008  
Reply to Office Action of August 7, 2008

In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

Date:

10/21/08

Robert J. Depke  
**ROCKEY, DEPKE & LYONS, LLC**  
Sears Tower, Suite 5450  
Chicago, Illinois 60606-6306  
Tel: (312) 277-2006  
Attorneys for Applicant

(Reg. #37,607)